UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,855	10/16/2003	Robert P. Cozier	100111145-1	1731

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
01/04/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

	Application No.	Applicant(s)
Office Action Summary	10/686,855	COZIER, ROBERT P.
	Examiner	Art Unit	
	Timothy J. Henn	2622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>17 October 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-28</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>16 October 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17

October 2007 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-15 have been considered but are

moot in view of the new ground(s) of rejection.

3.   Applicant's arguments with respect to claims 16-28 have been fully considered

but they are not persuasive. Applicant argues that Carmi in view of Nakamura in view

of Ohkubo does not disclose determining that an event is scheduled, designating a

peripheral device, connecting the peripheral device and automatically creating a folder

on the peripheral device as claimed. However, the examiner disagrees. Carmi in view

of Nakamura in view of Ohkubo disclose determining that an event is scheduled (i.e.

Nakamura, reading calendar data), designating and connecting a peripheral device

(Carmi, selecting a camera to connect and connecting the camera) and automatically

creating a folder (Carmi and Nakamura, creating folders in response to calendar data on

the peripheral device). Therefore, it is believed that Carmi, Nakamura and Ohkubo

meet the claim limitations as written, and a rejection based on Carmi, Nakamura and

Ohkubo will be made on claims 16-28 below.

4.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Carmi et al. (US 2003/0174242) in view of Nakamura et al. (US 7,009,643) in view of

Ohkubo (US 2003/0184653) in view of Horvitz et al. (US 6,505,167).

[claim 1]

Regarding claim 1, Carmi discloses a system including a computer device

(Figure 1, Item 20) and a peripheral device connected to the computer device (Figure 1,

Item 10). Carmi discloses that the computer device controls the peripheral device (e.g.

Paragraphs 0078-0079) and further discloses a system for capturing and organizing

images in which the computer device is used to create a folder, an image is captured

and the image is stored in the appropriate folder (Paragraphs 0151-0164). However,

while Carmi discloses creating folders in advance, the folders of Carmi are not related to

a predetermined time period and the images are manually placed into the folder.

Nakamura discloses a system which automatically determines a proper storage

location for an image based upon time data and a calendar which includes times at

which various events are to take place (Figure 3; c. 4, l. 3 - c. 5, l. 4). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to create folders based upon events which occur at predetermined times and to

automatically place images taken at those events in corresponding folders as taught by

Nakamura. The examiner notes that since the system of Carmi creates folders and

stores images on the peripheral device, it would be obvious to create folders corresponding to the predetermined events and to automatically store images in those folders on the peripheral device as claimed. However, Carmi in view of Nakamura does not disclose the automatic creation of at least one subdirectory for the folder based on at least one predetermined agenda relating to the event.

Okhubo discloses a similar system in which folder which creates image folders based on a calendar of events (Paragraph 0063; Figure 5, "Summer Vacation") and further discloses that subdirectories based on "at least one predetermined agenda" (i.e. a scheduled location) can be created based on calendar information to further classify the images based on a users whereabouts (Paragraph 0071). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create subdirectories based on a predetermined agenda to further classify the images created by the system of Carmi in view of Nakamura. While Carmi in view of Nakamura in view of Okhubo discloses an event creation system which automatically creates folders for an event on a peripheral device, Carmi in view of Nakamura in view of Okhubo does not disclose that the folders are created in response to an automatic determination that an e-mail message contains a date of the event.

Horvitz discloses a system for automatically adding events to a calendaring system based on an automatic determination that an email contains the date of an event (e.g. Figures 2 and 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the email parsing system of Horvitz along with the calendaring system of Nakamura to automatically schedule

events in the calendar in response to received email messages so that the user does

not have manually add the events. The examiner notes that after the events are added,

appropriate folders will be created as taught by Carmi in view of Nakamura in view of

Okhubo.

[claim 2]

Regarding claim 2, Horvitz discloses receiving an email message relating to the

event that is to occur at the predetermined time in the future, and scheduling the event

in the calendar (Figure 3). Carmi in view of Nakamura in view of Okhubo discloses

creating folders on the peripheral device in response to calendar data, therefore since

the calendar data is created in response to the email message, the system of Carmi in

view of Nakamura in view of Okhubo in view of Horvitz creates a folder in response to

an email message.

[claim 3]

Regarding claim 3, Carmi discloses a computer device (Figure 1, Item 20) and

peripheral device (Figure 1, Item 10) which are inter-connectable via a cable. Carmi

further discloses that the computer device is, for example, a standard PDA device

(Paragraph 0132). The examiner notes that in such a system the computer device

would inherently be capable of connecting to a plurality of peripheral devices as

claimed, and following the teachings of Nakamura would create appropriate event

folders for any images created during the event.

[claim 4]

Regarding claim 4, Nakamura discloses creating a folder with an intuitive name relating to the event (c. 4, ll. 64-66).

[claim 5]

Regarding claim 5, Nakamura describes creating a folder which has metadata (i.e. the folder's name) relating to the event (c. 4, ll. 64-66).

[claim 6]

Regarding claim 6, Carmi in view of Nakamura does not disclose metadata which is a descriptor of the event timing. Ohkubo discloses a similar calendaring and image management system to Nakamura and further discloses creation of folder names which include date information (Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include date information in the folder name as taught by Ohkubo to allow easy recognition of when an event occurred by looking at the folder name.

[claim 7]

Regarding claim 7, Carmi in view of Nakamura discloses a system including peripheral device which is a camera and a control device for the camera. However, Carmi in of Nakamura does not disclose a peripheral device which is a personal computer, hand held computer, personal digital assistant or cellular telephone. Official Notice is taken that personal computers, hand held computers, personal digital assistants and cellular telephones which include camera devices which include cameras are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the control device of

Carmi in view of Nakamura to interface with personal computers, hand held computers, personal digital assistants and cellular telephones which include cameras to allow for easy control of multiple camera devices with a single control device.

[claim 8]

Regarding claim 8, Carmi in view of Nakamura in view of Okhubo discloses a system in which a control device (i.e. a PDA) creates appropriate folders based on calendar information (see for example, claim 1). The examiner notes that as broadly as claimed, "automated downloads to the peripheral device for automatically maintaining naming conventions" can be read as a command to create an appropriate folder for the events (i.e. a command issued by (or "downloaded to") the control device 20 to the camera 10 for creating the folder).

[claim 9]

Claim 9 is a method claim corresponding to apparatus claim 1. Therefore, claim 9 is analyzed and rejected as previously discussed with respect to claim 1. Claim 9 includes a further limitation of accepting an event on the computer device. Nakamura discloses a calendaring system which includes a number of different events (Figure 5). Official Notice is taken that it is well known in the art to allow a user to accept events into calendaring systems such as the one disclosed by Nakamura to schedule events created by others. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to accept an event as claimed on the computer device of Carmi in view of Nakamura in view of Okhubo to allow events scheduled by

others to be entered into the users calendar.

[claims 10 and 11]

Regarding claims 10 and 11, see claims 2 and 4 respectively.

[claims 12-15]

Regarding claims 12-15, see claims 5-8.

5.   Claims 16-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Carmi et al. (US 2003/0174242) in view of Nakamura et al. (US 7,009,643) in view of

Ohkubo (US 2003/0184653)

[claim 22]

Regarding claim 22, Carmi discloses a system including a computer device

(Figure 1, Item 20) and a peripheral device connected to the computer device (Figure 1,

Item 10). Carmi discloses that the computer device controls the peripheral device (e.g.

Paragraphs 0078-0079) and further discloses a system for capturing and organizing

images in which the computer device is used to create a folder, an image is captured

and the image is stored in the appropriate folder (Paragraphs 0151-0164). However,

while Carmi discloses creating folders in advance, the folders of Carmi are not related to

a predetermined time period and the images are manually placed into the folder.

Nakamura discloses a system which automatically determines a proper storage

location for an image based upon time data and a calendar which includes times at

which various events are to take place (Figure 3; c. 4, l. 3 - c. 5, l. 4; i.e. determining an

event is scheduled and creating a folder in response to the scheduled event).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to create folders based upon events which occur at predetermined

times and to automatically place images taken at those events in corresponding folders

as taught by Nakamura. The examiner notes that since the system of Carmi creates

folders and stores images on the peripheral device, it would be obvious to create folders

corresponding to the predetermined events and to automatically store images in those

folders on the peripheral device as claimed. However, Carmi in view of Nakamura does

not disclose the automatic creation of at least one subdirectory for the folder based on

at least one predetermined agenda relating to the event.

Okhubo discloses a similar system in which folder which creates image folders

based on a calendar of events (Paragraph 0063; Figure 5, "Summer Vacation") and

further discloses that subdirectories based on "at least one predetermined agenda" (i.e.

a scheduled location) can be created based on calendar information to further classify

the images based on a users whereabouts (Paragraph 0071). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

create subdirectories based on a predetermined agenda to further classify the images

created by the system of Carmi in view of Nakamura.

The examiner notes that Carmi discloses a system in which a camera 10 and a

control device 20 are separate modular devices (Figure 1). Carmi further disclose that

the control devices are interchangeable (Paragraph 0166, multiple control devices are

usable with the same camera; Paragraph 0167-0168, the control device can be

replaced separately from the camera). Carmi further discloses that standard PDA or

cell phone devices can be used as the control device (Paragraph 0167). Since the

control device of Carmi is not camera dependent (i.e. is a standard device), it would be

able to function as a control device for more than one camera. Therefore, if used to

control a second camera the control device of Carmi would necessarily create the

appropriate folders based on calendar information (i.e. creating a third party folder and

third party subfolder) as claimed. The examiner further notes that the specification does

not disclose separate hardware devices for a "folder/subdirectory creation means" and a

"third party folder creation means". Therefore, the folder/subdirectory creation means

and third party folder creation means will be read as comprising the same device.

It is further noted that Carmi discloses a system in which a peripheral device

(Figure 1, Item 10) is connected to the control device (Figure 1, Item 20) in order for the

folders to be created. Since the claim as written does not specify how the peripheral

device is "designated", the act of selecting a peripheral device (i.e. choosing camera 10

to be connected) and connecting the camera (Figure 1) in order to create appropriate

folders reads on the limitations of the claim.

[claim 23]

Regarding claim 23, Horvitz discloses receiving an email message relating to the

event that is to occur at the predetermined time in the future, and scheduling the event

in the calendar (Figure 3). Carmi in view of Nakamura in view of Okhubo discloses

creating folders on the peripheral device in response to calendar data, therefore since

the calendar data is created in response to the email message, the system of Carmi in

view of Nakamura in view of Okhubo in view of Horvitz creates a folder in response to

an email message.

[claim 24]

Regarding claim 24, Carmi discloses a computer device (Figure 1, Item 20) and peripheral device (Figure 1, Item 10) which are inter-connectable via a cable. Carmi further discloses that the computer device is, for example, a standard PDA device (Paragraph 0132). The examiner notes that in such a system the computer device would inherently be capable of connecting to a plurality of peripheral devices as claimed, and following the teachings of Nakamura would create appropriate event folders for any images created during the event.

[claim 25]

Regarding claim 25, Nakamura discloses creating a folder with an intuitive name relating to the event (c. 4, ll. 64-66).

[claim 26]

Regarding claim 26, Nakamura describes creating a folder which has metadata (i.e. the folder's name) relating to the event (c. 4, ll. 64-66).

[claim 27]

Regarding claim 27, Carmi in view of Nakamura does not disclose metadata which is a descriptor of the event timing. Ohkubo discloses a similar calendaring and image management system to Nakamura and further discloses creation of folder names which include date information (Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include date information in the folder name as taught by Ohkubo to allow easy recognition of when an event

occurred by looking at the folder name.

[claim 28]

Regarding claim 28, Carmi in view of Nakamura discloses a system including peripheral device which is a camera and a control device for the camera. However, Carmi in of Nakamura does not disclose a peripheral device which is a personal computer, hand held computer, personal digital assistant or cellular telephone. Official Notice is taken that personal computers, hand held computers, personal digital assistants and cellular telephones which include camera devices which include cameras are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the control device of Carmi in view of Nakamura to interface with personal computers, hand held computers, personal digital assistants and cellular telephones which include cameras to allow for easy control of multiple camera devices with a single control device.

[claim 16]

Claim 16 is a method claim corresponding to apparatus claim 22, therefore claim 16 is analyzed and rejected as previously discussed with respect to claim 22. The examiner further notes that since the computer/control device of Carmi is used to control the camera 10, it would be obvious to connect the computer device at the time of the event and to create an event folder as described in Nakamura upon connection.

[claims 17-20]

Regarding claims 17-20, see claims 25-28.

[claim 21]

Regarding claim 21, Carmi in view of Nakamura in view of Okhubo discloses a system in which a control device (i.e. a PDA) creates appropriate folders based on calendar information (see for example, claim 1). The examiner notes that as broadly as claimed, "automated downloads to the peripheral device for automatically maintaining naming conventions" can be read as a command to create an appropriate folder for the events (i.e. a command issued by (or "downloaded to") the control device 20 to the camera 10 for creating the folder).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJH
12/17/2007